

BOROUGH OF SURF CITY LAND USE BOARD
813 LONG BEACH BOULEVARD
September 27, 2017
7:00 pm
MEETING MINUTES

The meeting was called to order, followed by a salute to the flag.

Roll call reflected the following members to be present: Peter Hartney, Maurice Logue, Alan Mannherz, Fred Peters, Jaime Pitner, James Russell, Barbara Sedlacek, & David Wright. Absent: Sandra Klose, John McMenamin, & Emil TumSuden.

Also present: Board Engineer, Frank Little and Board Attorney, Kevin Quinlan.

The Open Public Meeting Statement was read by Chairman Hartney as follows: in compliance with the "Open Public Meetings Act" of the State of New Jersey adequate notice of this meeting of the Surf City Land Use Board was provided in the following manner:

- In the February 2, 2017 edition of the Beach Haven Times.
- In the September 7, 2017 edition in the Beach Haven Times

A motion was made by Mr. Russell to approve the minutes from the July 26, 2017 meeting, seconded by Mr. Wright.

Roll call vote: Chairman Hartney, Mr. Mannherz, Mr. Peters, Mr. Pitner, Mr. Russell, Mrs. Sedlacek, & Mr. Wright. Abstain: Mr. Logue. Nays: none. Absent: Mrs. Klose, Mr. McMenamin, & Mr. TumSuden. The minutes were approved as presented.

A motion was made by Mr. Russell to approve Resolution 2017-12 releasing an escrow account to Toni Crosby of 323 N 4th Street, seconded by Mr. Mannherz.

Roll call vote: Chairman Hartney, Mr. Logue, Mr. Mannherz, Mr. Peters, Mr. Pitner, Mr. Russell, Mrs. Sedlacek, & Mr. Wright. Abstain: none. Nays: none. Absent: Mrs. Klose, Mr. McMenamin, & Mr. TumSuden. The escrow account was approved for release.

Docket 2017-02: Timothy Kohlheim of 18th Street Grille DBA Shore Fire Grilled located at 1718 Long Beach Boulevard, aka block 49 Lots 21 and 22, submitted an application for an approval on preliminary and final site plans. Counselor Curtis Dowell, attorney for the applicant summarized the variances requested. James Brzozowski, professional engineer for the client, testified to board as to the facts found on the site plan.

Chairman Hartney had questioned Mr. Brzozowski regarding the impact of the walk-in cooler, trash enclosure and awning in relation to lot coverage and setbacks. Mr. Mannherz inquired about ADA requirements. Counselor Quinlan advised the board on curb stops being kept in the easement. It would be in the best interest of the Borough to limit the liability and require bollards to be installed on the property in question.

A motion was made by Mr. Wright to open the floor for public comment, seconded by Mr. Russell.

Roll call vote: Ayes: Chairman Hartney, Mr. Logue, Mr. Mannherz, Mr. Peters, Mr. Pitner, Mr. Russell, Mrs. Sedlacek, & Mr. Wright. Abstain: none. Nays: none. Absent: Mrs. Klose, Mr. McMenamain, & Mr. TumSuden. The floor was opened for public comment.

Dan Malay, of 21 West 20th Street of Ship Bottom and the owner of the How ya Brewin Company at 8 N Long Beach Blvd in Surf City, came forth to speak on behalf of the applicant. He is a member of the Long Beach Island Chamber of Commerce and he stated that it has been noticed that Surf City has become a strong destination spot of Long Beach Island. He also comments, that as a practical matter, the awning would be aesthetically pleasing as requested.

Mike Tomko of 712 Long Beach Boulevard in Surf City stated that he agreed with Mr. Malay and that Surf City should look to be competitive with other municipalities. He also talked about the processes of local business and how local land use affects them.

Kathy Byrd of 1800 Long Beach Boulevard, currently the Cheese Shop, stated that parking is not a problem for that area.

A motion was made by Mr. Russell to close the floor to public comment, seconded by Mr. Wright with a vote in the affirmative. The floor was closed to public comment.

Counselor Quinlan explained that this was a C variance application and reviewed the items being considered on this application. The following variances are being requested: 30 parking spaces are required, 11 are proposed; a waiver as depicted for parking stall size; 40 square foot sign is permitted, 67 foot is proposed; front yard setback for the awning where 10 feet is required, 1.4 feet is proposed; the side yard setback for the walk-in cooler where 10 feet is required, .9 feet is proposed; a handicap space will be added to the plan; the most northerly parking space is to be clearly designated so as to not allow parking on the sidewalk; a do not enter sign on the southerly side of the parking lot; arrows will be painted on the macadam to indicate traffic flow; bollards will be installed within the property lines on the northern and western sides of the parking lots and curb stops will be removed; 2 spaces to the west by the bump out will be designated as employee parking only; the awning, if approved, will not be allowed to become a permanent structure with side curtains; interior layout depicting the seating and interior kitchen; shower to be removed from the exterior structure.

A motion was made by Mr. Wright to approve the application, seconded by Mrs. Sedlacek.

Roll call vote:

Chairman Hartney: In weighing the detriments and improvements, I struggle with the zoning plan and lot coverage. Recognizing that, but recognizing safety to the public, the site plan improvements remove liabilities from the Borough. Weighing all of the facts together, while it is a tough decision, my vote is yes.

Mr. Mannherz: I vote yes as the conditions were stated by Mr. Quinlan. This is with consideration to the testimony from the applicant, Mr. Brzozowski, and the public. I also agree with Mr. Hartney about the extended lot coverage. The master plan encourages the Board to encourage businesses where we can. I think this is an example of where we can do that.

Mr. Peters: I vote yes with consideration of the testimony given.

Mr. Pitner: I agree with the Chairman and others because this is a difficult decision. There is a slight increase in lot coverage. There is not a significant impact in usage and seating or any other of the operations of this location. We have seen significant improvements as far as safety is concerned. I vote yes.

Mr. Russell: I am going to vote yes also. The changes are not that impactful. It will be aesthetically pleasing. This board is business friendly and we do what can.

Mrs. Sedlacek: I vote yes and for all of the aforementioned reasons. I think this is a nice improvement.

Mr. Wright: I vote yes. I think the Board should feel good because not only was Shore Fire Grill represented but two other stores in town were represented as well.

Mr. Logue: I vote yes. I share the same opinion as other members on the Board. It is a positive for the Board and the businesses in town.

Abstain: none. Nays: none. Absent: Mrs. Klose, Mr. McMenamain & Mr. TumSuden. The application was approved.

Docket 2017-03: James & Patricia Kane of 266 N 10th Street, aka block 72 lot 28 submitted an application requesting a side yard variance for a shed and an interpretation of Ordinance Section 30-3 as it relates entrance steps. Mr. Kane was sworn in by Counselor Quinlan and presented his application. There was extensive discussion concerning Ordinance Section 30-3.

Mr. Pitner made a motion that Ordinance 30-3 be interpreted to provide for all stairs and intermediate landings to the first floor living not exceeding the width of the stairs to be excluded from building area, seconded by Mr. Russell.

Roll call vote: Ayes: Mr. Logue, Mr. Peters, Mr. Pitner, Mr. Russell, Mrs. Sedlacek, & Mr. Wright. Abstain: none. Nays: Mr. Hartney & Mr. Mannherz. Absent: Mrs. Klose, Mr. McMenamain, & Mr. TumSuden. Ordinance 30-3 was interpreted to include for all stairs and intermediate landings to the first floor living not exceeding the width of the stairs to be excluded from building area.

The applicant next addressed the variance request to place a wood shed in the side yard setback where 5 feet is required and 1.5 feet is proposed. Mr. Wright made a motion to open the floor to public comment, seconded by Mr. Russell with a vote in the affirmative. With no one being present to comment Mr. Wright made a motion to close the floor to public comment, seconded by Mr. Russell with a vote in the affirmative.

Mr. Russell made a motion to approve the variance requesting the 3' x 12' shed to stay in the side yard setback, seconded by Mrs. Sedlacek.

Roll call vote:

Mr. Hartney: In terms of this variance, I vote no. The ordinance is clear and states that there is no encroaching upon the setback.

Mr. Mannherz: I clearly understand why you placed your shed where you did and I also understand why you constructed it from your testimony. I am voting no because of the encroachment into the side yard setback.

Mr. Peters: I see both sides. I understand the issues as being a property owner. I vote yes.

Mr. Russell: I am going to vote yes in favor of the shed. It is a nice shed and will keep the wood dry.

Mrs. Sedlacek: I am going to vote yes. There is not much of an impact by it and it will keep the wood dry.

Mr. Wright: I vote yes for safety and practical reasons. I feel it was presented very well.

Mr. Logue: I vote yes, I do not see any adverse impact for voting yes.

Mr. Pitner: I vote no based on the issue of the setback.

Abstain: none. Nays: none. Absent: Mrs. Klose, Mr. McMEnamin & Mr. TumSuden. The application was approved.

Mr. Wright made a motion to pay the bills, seconded by Mr. Russell with a vote in the affirmative. The bills were approved to be paid.

Mr. Mannherz made a motion to adjourn the meeting, seconded by Mr. Russell with in the affirmative. The meeting was adjourned.

Respectfully Submitted,

Christine Hannemann

Land Use Board Clerk